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M/A-COM Private Radio Systems, Inc.
3315 Old Forest Road
P.O. Box 2000
Lynchburg, VA 24501

M/A-COM

RECEIVED & INSPECTED

DEC 11 2002

FCC - MAILROOM

December 10, 2002

Via FEDEX

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: Hard copies of electronically filed comments in WT Docket No. 96-86, and Motion to Accept Late Filed Comments

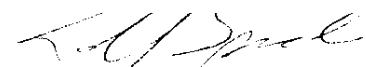
Dear Ms. Dortch:

Included are an original and 4 copies of the comments of M/A-COM Private Radio Systems, Inc. which have already been filed electronically in the above referenced docket. These comments are in response to the Sixth Notice of Proposed Rulemaking, FCC 02-272, in the above referenced docket.

Also included are an original and four copies of a Motion to Accept Late Filed Comments. The Electronic Comment Filing System would not accept these M/A-COM comments until after the 12 p.m. deadline on December 9, 2002. The comments were electronically filed at 8 a.m. on December 10, 2002.

If there are any questions, please **do** not hesitate to contact me. I can be reached at (434) 385-2465.

Sincerely,



Robert J. Speidel, Esq.
Manager, Regulatory Policy

12/11/02

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

The Development of Operational,)	
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	WT Docket No. 96-86
Public Safety Agency Communication)	
Requirements Through the Year 2010)	

MOTION TO ACCEPT LATE FILED COMMENTS

M/A-COM Private Radio Systems, Inc. (M/A-COM) hereby requests that the Commission accept the M/A-COM comments to the Sixth Notice of Proposed Rulemaking' in the above referenced docket. As discussed below, the M/A-COM comments **were** not timely filed due to circumstances beyond the control of M/A-COM. Acceptance of such late filed comments is in the public interest.

The Sixth Notice of Proposed Rulemaking was adopted by the Commission on September 27, 2002 and released by the Commission on October 4, 2002. The document was subsequently published in the Federal Register' and a comment due date of December 9, 2002 was established

M/A-COM has engaged in numerous discussions and meetings, both internally and externally, to develop the M/A-COM positions on the issues raised in the Sixth Notice of Proposed Rulemaking. These discussions and meetings have taken place both before and after the adoption of the Sixth Notice of Proposed Rulemaking

¹ Sixth Notice of Proposed Rulemaking, WT Docket No. 96-86, FCC 02-272
Federal Register, Vol. 67, No. 217, page 68079 (November 8, 2002)

Actual preparation of the draft M/A-COM comments began after the establishment of the comment due date, such that the final draft form *of the* M/A-COM comments was completed by December 2, 2002. The only difference between the final draft form of the M/A-COM comments and the actual M/A-COM comments, which were electronically filed on December 10, 2002, were some grammatical and typographical error corrections. After returning from a West Coast business trip, the principal author of the M/A-COM comments implemented the grammatical and typographical error corrections previously noted. The M/A-COM comments were in a form and format suitable for electronic filing by noon, EST, on December 9, 2002, the comment due date.

At approximately 4 p.m. EST on December 9, 2002, the undersigned began attempting to electronically file the M/A-COM comments through the Commission's Electronic Comment Filing System (ECFS). For the next seven plus hours, the undersigned made numerous attempts to file the M/A-COM comments through ECFS, all to no avail. The filing attempts were made on multiple computers from multiple locations, all with the same results. After completing the ECFS Cover Sheet, attaching the appropriate file, and pushing the "Send Attached File to FCC" button, most of the undersigned's attempts resulted in nothing happening. After a minute or two the connection would simply time out. Eventually, as it got later in the evening, the undersigned's attempts began to receive a message that the ECFS server was not answering or was otherwise unavailable, and it was suggested to try again later. Finally, after trying many, many times, the undersigned was able to electronically file the M/A-COM comments at about 8 a.m. on December 10, 2002. A printed copy of the FCC Confirmation for this successful attempt is attached hereto.


M/A-COM believes that while the successful filing of its comments may be technically late because it came after the midnight deadline, M/A-COM also believes that the effect of this

technically late filing is *de minimis*. The actual filing occurred at or before the beginning of the next business day, such that the contents of the MIA-COM filing were available to the Commission staff and other interested parties at essentially the same time as those comments, if any, that met the midnight deadline. The Commission staff has the same amount of time to evaluate the M/A-COM comments as it has to evaluate others' comments. Other interested parties also have the same amount of time to consider the MIA-COM comments as they have to evaluate others' comments in the preparation of responsive Reply Comments, which are due on December 23, 2002.

M/A-COM does not believe that any party will be prejudiced if the Commission accepts the late filed M/A-COM comments. In fact, M/A-COM believes that accepting the M/A-COM late filed comments is in the public interest because it will facilitate the establishment of a complete record as the Commission crafts additional rules in this critical public safety proceeding. M/A-COM and its predecessors have been active and significant participants in this public safety proceeding from the outset. Rejecting the M/A-COM comments on the grounds of a small, technical time violation beyond the control of M/A-COM, and which has no impact on the Commission's process, would leave a significant hole in the record of this proceeding.

WHEREFORE, for the reasons set forth above, MIA-COM requests that the Commission accept the M/A-COM comments to the Sixth Notice of Proposed Rulemaking in WT Docket No. 96-86.

Respectfully Submitted,
M/A-COM Private Radio Systems, Inc

By: 
Robert J. Speidel, Esq.
Manager, Regulatory Policy
P.O. Box 2000
Lynchburg, VA 24501
(434) 385-2465

December 10, 2002



The **FCC** Acknowledges **Receipt** of Comments From ...
M/A-COM Private Radio Systems, Inc.
...and Thank You for Your Comments

Your Confirmation Number is: '20021210756909

Date Received: **Dec 10 2002**

Docket: **96-86**

Number of Filer Transmitted: **1**

File Name	File Type	File Size (bytes)
COMMENT	Microsoft Word	108545

This confirmation verifies that **ECPS** has received and accepted your filing. However, your filing will be rejected by **ECFS** if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing. Filers are encouraged to retrieve and view their filing within **24** hours of receipt of this Confirmation. For any problems contact the Help Desk at **202-418-0193**.

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